

Message Text

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ACTION EB-11

INFO OCT-01 ARA-16 IO-14 ISO-00 FRB-03 OMB-01 TAR-02 SP-03

SWF-02 AGR-20 AID-20 CIAE-00 COME-00 INR-11 LAB-06

NSAE-00 OIC-04 RSC-01 SIL-01 STR-08 TRSE-00 CIEP-03

CEA-02 AF-10 EA-11 EUR-25 NEA-14 DRC-01 /190 W

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R 241000Z AUG 74

FM USMISSION GENEVA

TO SECSTATE WASHDC 7896

INFO USMISSION USUN NEWYORK

AMEMBASSY BRASILIA

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E.O. 11652: N/A

TAGS: UNCTAD TGEN EGEN EIND

SUBJECT: UNCTAD-TRANSFER OF TECHNOLOGY

REF: (A) GENEVA 5369; (B) STATE 185695; (C) BRASILIA 6390

1. SUMMARY: TDB SESSIONAL COMMITTEE NORES IGG DECISIONS ON EXPERTS GROUP ON CODE OF CONDUCT AND PATENTS, WITH US AND OTHER GROUP B COUNTRIES STATING THEIR POSITIONS FOR THE RECORD. MISSION AWAITS DEPARTMENT RESPONSE TO OUT RECOMMENDATION ON NON-PARTICIPATION IN PATENTS GROUP. END SUMMARY.

2. SESSIONAL COMMITTEE I DEVOTED MEETINGS FIRST WEEK TDB TO TRANSFER OF TECHNOLOGY ITEM. LDC'S REFUSED TO RENEGOTIATE RESOLUTIONS PASSED BY INTER-GOVERNMENTAL GROUP (IGG) CALLING FOR ESTABLISHMENT OF EXPERTS GROUPS ON CODE OF CONDUCT AND ON A PATENT SYSTEM, SO THESE RESOLUTIONS WERE NOTED WITHOUT VOTE BY COMMITTEE. GROUP B SPOKEMAN (COUTTAT, SWITZERLAND) MADE A STATEMENT DEALING WITH BOTH PROCEDURES AND SUBSTANCE. ON PROCEDURES, SPEAKING ON BEHALF OF ALL BUT ONE B GROUP

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MEMBERS (NETHERLANDS), EXPRESSED VIEW IGG HAD EXCEEDED

ITS COMPETENCE IN ADOPTING THESE RESOLUTIONS WHICH SHOULD HAVE BEEN IN FORM OF RECOMMENDATIONS TO TDB AND REVIEWED BY TDB. ALSO OBJECTED TO ADOPTION BY MAJORITY VOTE WITHOUT CONSENSUS. (LDCS HAVE NOT RESPONDED BUT HAVE RESERVED RIGHT TO DO SO). ON SUBSTANCE, ON BEHALF "SUBSTANTIAL MAJORITY B GROUP MEMBERS", BRIEFLY DESCRIBED PROBLEMS WITH TWO RESOLUTIONS, AND IN PARTICULAR STRESSED THAT WORK ON CODE SHOULD AIM AT PREPARING A MUTUALLY ACCEPTABLE SET OF NON-BINDING GUIDELINES. US SPOKE NEXT, EXPLAINING REASONS WHY WE COULD NOT SUPPORT EITHER RESOLUTION. RE EXPERTS GROUP ON CODE OF CONDUCT, STATED INABILITY TO INDICATE WHETHER WE WOULD BE PREPARED TO PARTICIPATE, BUT SURMISED IF WE DID IT COULD ONLY BE ON UNDERSTANDING EVENTUAL PRODUCT WOULD BE SET OF POLICY GUIDELINES OF NATURE SIMILAR TO OTHER UNCTAD RESOLUTIONS AND WITHOUT LEGAL FORCE. (MEXICAN DELEGATE SUBSEQUENTLY ARGUED QUESTION OF WHETHER CODE SHOULD BE BINDING SHOULD BE LEFT OPEN UNTIL DRAFTING WELL ALONG AND COUNTRIES HAD SOME IDEA OF PRODUCT EMERGING). US STATEMENT DID NOT ADDRESS QUESTION OF WHETHER WE WOULD OR WOULD NOT PARTICIPATE IN EXPERTS GROUP ON PATENTS. GERMANY AND UK SPOKE IN VIEN SIMILAR TO US AND SOME OTHERS WILL FOLLOW WHEN DEBATE RESUMES MONDAY. NETHERLANDS SPOKE ON PROCEDURAL POINT ONLY, STATING IT DID NOT AGREE GROUP B STATEMENT AND THAT IT CONSIDERED IGG HAD ACTED APPROPRIATELY AND TDB CORRECT IN ONLY NOTING ITS ACTION.

3. SESSIONAL COMMITTEE ENTRUSTED WORK ON TERMS OF REFERENCE OF POTENTIAL NEW MAIN COMMITTEE ON TRANSFER OF TECHNOLOGY TO SMALL DRAFTING GROUP, INCLUDING US, WHICH IS IN MIDST OF ITS WORK WITH OUTCOME STILL UNCLEAR.

4. REFTTEL (B) JUST RECEIVED. ON TIMING, SESSIONAL COMMITTEE EXPETED TO BE COMPLETED MON AUG 26. REPORT OF SESSIONAL COMMITTEE WILL PASS BEFORE PLENARY DURING WEEK OF SEPT 9. DECISION OF KEY DEVELOPED COUNTRIES NOT TO PARTICIPATE IN PATENT GROUP COULD BE ANNOUNCED WITH STRONG AFFECT IN PLENARY OR EVEN IN CORRIDORS BETWEEN NOW AND END OF TDB. AT THIS STAGE, HOWEVER, DO NOT BELIEVE LDCS COULD BE INDUCED TO REWRITE TERMS OF REFERENCE OF GROUP. CONCERNING POSITIONS OTHER COUNTRIES ON POSSIBLE PARTICIPATION, GENERAL ATTITUDE MAJOR TECHNOLOGY EXPORTING COUNTRIES IS THAT THEIR DECISION LIMITED OFFICIAL USE

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WILL DEPEND ON WHAT OTHERS DO. WE HAVE IMPRESSION SEVERAL WOULD LIKE TO STAY OUT (UK, FRG, SWITZERLAND, CANADA, JAPAN, ITALY, FRANCE) BUT NONE WISHES TO DO SO IN ISOLATION. WE BELIEVE NONE HAVE REACHED FINAL DECISION AND EACH IS WAITING TO SEE WHAT OTHERS DO. WHAT IS NEEDED AT THIS POINT IS FOR SOME COUNTRY TO TAKE LEAD AND DETERMINE WHETHER SUBSTANTIAL GROUP IS REALLY PREPARED STAY OUT IF OTHERS DO. DEPARTMENT SHOULD NOTE THAT OUR RECOMMENDATION WAS FOR US TO TAKE THIS

INITIATIVE, INFORMING OTHERS WE WOULD BE PREPARED STAY OUT
IF FOUR OTHER MAJOR TECHNOLOGY EXPORTERS DO LIKEWISE. WE DID NOT
RECOMMEND UNILATERAL US DECISION TO STAY OUT (ALTHOUGH WE
OURSELVES WOULD HAVE NO OBJECTIONS TO SUCH DECISION). RE
REF (C), BRASILIA SEEMS TO BE CONFUSING EXPERTS GROUPS ON CODE
TO CONDUCT AND PATENTS. OUR RECOMMENDATION RELATED SOLELY
TO EXPERTS GROUP ON PATENTS. ON CODE OF CONDUCT, WE SEE LITTLE
PROSPECT OTHERS WILL BE PREPARED STAY OUT, AND US WILL HAVE TO
REACH OUR OWN DECISION IN THAT LIGHT.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MEETING AGENDA, TECHNOLOGICAL EXCHANGES, PATENTS, COMMITTEE MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 AUG 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974GENEVA05401
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740234-0893
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740820/aaaaaqvp.tel
Line Count: 125
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: (A) GENEVA 5369; (B) STATE 185695; (, C) BRASILIA 6390
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 17 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 JUN 2002 by boyleja>; APPROVED <04 MAR 2003 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UNCTAD-TRANSFER OF TECHNOLOGY
TAGS: TGEN, EGEN, EIND, UNCTAD
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005